

**MINUTES**  
**Middletown Twp Planning Board**  
**Meeting of November 6, 2013**

The meeting began at 6:30 p.m.

**Proposed Taylor Lane Development – HEARING (cont'd)**

Ron Gasiorowski (Ron) asked if a particular report had been completed by Jason Greenspan. He was told that a short memo dated Nov. 1, 2013 was received from Greenspan with copies of the applicable pages from the Master Plan showing the roads in question. Ron was provided a copy.

Ron questioned Mr. Phillips, a planning engineer retained by the applicant after the plan had been developed. Phillips had no input into the development of the plan, but said he confirmed compliance with zoning rules. They referred to Exhibit A3, a depiction of the site plan.

They discussed the roads into & around the development and application of the RSIS (Residential Site Improvement Standard). Ron questioned if the RSIS supercedes local law (Master Plan).

(The board explained that the Master Plan is required by the Municipal Land Use Law (MLUL) and is adopted by the Planning Board as a planning tool.)

A key question is whether Taylor Lane, as developed, is a local road, collector road or arterial road, where categorization and use determine the setback required.

Ron questioned if Taylor Lane is a public or private roadway. Phillips said that the Master Plan treats Taylor Lane as a public roadway and recommends improvements to it.

The moderator (attorney or chair?) said Mr. Phillips had only testified initially as to whether Taylor Lane is a local road or collector road, not public or private, and asked Ron to limit cross examination to the former.

Phillips said that Taylor Lane is a local road. Ron made a distinction between Taylor Lane as contemplated in the Master Plan and as proposed now.

Ron asked about the appropriateness of residents having to cross Taylor Lane to get to amenities. Gorman asked that the line of questioning deal with planning, not traffic, because Phillips is not a traffic engineer.

The proposal includes a portion of Holmdel. Ron asked about any planned landscaping improvements on the Holmdel portion of the proposed site. Phillips said nothing is planned that he knows of.

*(Meeting time 7:20 pm / video time stamp 00:50 minutes)*

Ron questioned his expert in traffic engineering, Mr. LaGuardia, PE. LaGuardia has 40 years experience but is not exam-certified; expert in civil engineering and traffic; member of Institute of Transportation Engineers.

Acronyms used heavily during testimony:

AASHTO – American Association of State Highway and Transportation Officials

ADT – average daily traffic

The applicant's attorney, Mr. Shimanowitz (sp?), raised an objection because Ron has a case before the Zoning Board Re the classification of Taylor Lane as a local, collector, or arterial roadway. Ron chose to go before the Zoning Board, though he was not advised to or required to go.

Ron stated he would withdraw the application before the Zoning Board so that the Planning Board could address the issue. Shimanowitz agreed and testimony continued.

*(Meeting time 7:38 pm / video time stamp 00:68 minutes)*

LaGuardia gave detailed testimony regarding road use, traffic volume, and sidewalks. He noted that the applicant's volume estimates are low because they contemplate traffic during winter months, when fewer cars are on the roads.

LaGuardia stated that the "re-constructed & re-aligned" Taylor Lane bears no resemblance to the Master Plan. He opined that Taylor Lane is a collector road.

*(Meeting time 8:38 pm / video time stamp 02:08)*

Members of the public asked questions:

An attendee asked if the setbacks increase if Taylor Lane is designated as a collector road. Yes per township ordinance.

Lucy Bonilla asked if the sidewalks have to extend the full length of Taylor Lane if the road is designated as a collector road. No, just along the site frontage.

Bob Fernandez asked about the adequacy of planned retention ponds and said there is already an existing drainage problem in that area -- there is already saturation on surrounding properties. LaGuardia could not comment because he had not reviewed this issue.

Paul Rinaldi talked about the re-alignment of Taylor Lane. He said the Master Plan does not consider Palmer Avenue and asked if there is an error in the Master Plan. Rinaldi questioned how Taylor Lane could be categorized without further review because it does not exist as shown in the Master Plan. LaGuardia agreed.

Ron called his next witness, Peter G. Steck, a professional planner. Steck discussed the setback rules. Ten feet are required for a local road, 50 feet for a collector road. The applicant's site plan contemplates 25 feet, which the applicant refers to as a voluntary election.

Steck said that categorization as a local or collector road is a "functional classification" based on actual use and function. Steck opined that Taylor Lane is a collector road based on several definitions and opined that the applicant's 25 foot setback election represents a variance.

Steck mentioned the pedestrian safety issue given traffic volume, inadequate setbacks, and absence of full sidewalks.

*(Meeting time 9:00 pm / video time stamp 02:30)*

There was discussion at this point about the 1.47 acres in the site plan that are part of Holmdel. Steck opined that variances are triggered due to the municipal boundary intersecting the site.

Steck said that without Holmdel the development is 8 units per acre, making it an "intensive" development. He said the density triggers the need for adequate sidewalks and variances.

*(Meeting time 9:10 pm / video time stamp 02:40)*

Gorman discussed case law which he feels applies to this situation -- i.e., developments crossing municipal boundaries. (Anunziato and Sicone were plaintiff names mentioned). Gorman said he feels we are past this issue in the hearing and recommended to the board that the applicant does not need a variance from Middletown. He said that if a use variance is needed, that is for Holmdel to determine.

Public attendees expressed frustration and anger at this.

The question was again raised as to whether there was anything "going on" on the Holmdel portion of the proposed development. No per the applicant's representation.

The hearing will be continued on **December 4, 2013**. That date is tentative and there may be a date scheduled sooner.

It was noted that a new board will be in place in 2014.

The meeting ended at 9:30 p.m.